REMARKS

Claims 1-67 are pending in the application.

Claims 1-67 have been rejected.

Claims 1, 8, 12, 13, 15, 19, and 38 have been amended. No new matter has been added.

Claims 4, 18, and 28-37 have been cancelled.

Rejection of Claims under 35 U.S.C. §102(b)

Claims 1-20, 22-31, 33-38, 40-48, 50-58, and 60-67 stand rejected under 35 U.S.C. §102(b) as being anticipated by Beck et al. (USPPN 2001/0014097) ("Beck"). Applicants respectfully traverse this rejection.

With respect to amended claim 1, the cited art fails to teach or suggest a network device that is configured to append a header, which identifies the port of that network device that received a particular packet, to that packet before sending the packet to a virtual network device. In the rejection of claim 4 in the Non-Final Office Action mailed December 7, 2007 (hereinafter NFOA), paragraphs 9 and 40 of Beck were cited as teaching this feature. However, these paragraphs merely describe how receiving applications can listen to particular software ports (paragraph 40) and how a processor node can modify a packet header to identify the network address of another processor node (paragraph 9) in order to be able to transfer that packet to the other processor node. Nothing in either paragraph teaches or suggests appending a packet header to a packet to identify a port that received the packet, prior to sending that packet to another device. At best, Beck simply describes modifying a packet header to indicate a new destination to which the packet should be sent, not appending a packet header to a packet to indicate the interface that received the packet.

In response to the above arguments, the Final Office Action mailed June 13, 2008 (hereinafter FOA) states that paragraph 9 of Beck teaches "modifying (i.e., appending) a header with information and directing the packet to the destination processor node." FOA, p. 15. However, this response does not explain how Beck purportedly teaches the particular type of header recited in claim 1. As noted above, Beck's header is modified to indicate a destination to which the packet should be sent. In contrast, claim 1 describes a header that identifies the port at which the packet was received. Thus, Beck's header is

used to send a packet to a destination, while claim 1's header is used to identify a port that has already received the packet. Given this clear distinction, Beck neither teaches nor suggests the features of claim 1.

For at least the foregoing reason, claim 1 is patentable over the cited art. Claims 2-3 and 4-7 are patentable over the cited art for similar reasons.

With respect to claim 38, the cited art fails to teach or suggest sending a first packet via a first link of a virtual link bundle if a destination identifier associated with the first packet identifies the virtual link bundle; and sending a second packet via a second link of the virtual link bundle if a destination identifier associated with the second packet identifies the virtual link bundle, where a single network device performs both the sending the first packet and the sending the second packet, the first link is coupled to a first virtual network device sub-unit, and the second link is coupled to a second virtual network device sub-unit.

The FOA cites paragraph 9 of Beck as teaching sending two different packets via two different links in a virtual link bundle. FOA, p. 10. Paragraph 9, at best, describes how one processor node can retransmit a data packet to another processor node. Nothing in paragraph 9 teaches or suggests that there are two possible links that can be used to send packets associated with the same destination identifier. Additionally, paragraph 9 fails to teach or suggest using each of two such links to send different packets, in response to those packets being associated with the same destination identifier.

For at least the foregoing reasons, claim 38 is patentable over the cited art, as are its dependent claims 39-40. Claims 48-50 and 58-60 are patentable over the cited art for similar reasons.

With respect to claim 41, the cited art fails to teach or suggest filtering a packet from a packet flow being sent via the first interface if the packet was received via a virtual network device link. The Examiner cites paragraph 9 of Beck as teaching this feature, characterizing the cited portion of Beck as teaching "When a receiving node determines which processor node to send to, it broadcasts the data packet over the network for delivery to the processor node." NFOA, p. 17. Applicants respectfully submit that the act of broadcasting clearly neither teaches nor suggests "filtering" a packet from a packet flow being sent via a particular interface. Instead, "broadcasting" suggests sending one or more copies of the packet, via all available interfaces.

Furthermore, nothing in NFOA or the cited paragraph of Beck teaches or suggests performing the act of filtering in response to a packet being received via a virtual network device link (in fact, no portion of Beck has been cited as teaching such a virtual network device link).

In response, the FOA characterizes Beck's paragraph 9 as teaching that: "A processor node receives a packet (i.e., via a virtual network device link, see fig. 2) and decides where to send it. In this way the packet is filtered." FOA, p. 16. However, deciding where to send a packet neither teaches nor suggests filtering a packet from a packet flow being sent via a particular interface. Filtering a packet from a packet flow removes the packet from that flow. See e.g. paragraph 59 of the specification. Deciding where to send a packet would, at best, appear to cause a packet to be added to a flow, not remove a packet from a flow. As such, Beck's paragraph 9 clearly fails to teach or suggest filtering a packet from a flow being output via an interface. Furthermore, Beck's paragraph 9 also fails to teach or suggest selectively filtering a packet from a flow based upon whether the packet was received via a virtual network device link.

For at least the foregoing reasons, claim 41 is patentable over the cited art, as are its dependent claims 42-47. Claims 8-17, 18-27, 51-57, and 61-67 are patentable over the cited art for similar reasons.

Rejection of Claims under 35 U.S.C. §103(a)

Claims 21, 32, 39, 49 and 59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beck in view of Mankude et al. (USPN 6,735,205) ("Mankude"). Applicants respectfully traverse this rejection for the reasons similar to those set forth above.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is invited to telephone the undersigned at 512-439-5087.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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